



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,243	09/28/2005	Jose Sevilleja Perez	60469-232; OT-5042 LAB	4272
64779	7590	01/23/2008	EXAMINER	
CARLSON GASKEY & OLDS			KRUER, STEFAN	
400 W MAPLE STE 350			ART UNIT	
BIRMINGHAM, MI 48009			PAPER NUMBER	
			3654	
			MAIL DATE	DELIVERY MODE
			01/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/551,243	Applicant(s) PEREZ, JOSE SEVILLEJA	
	Examiner Stefan Krueer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10, 12 - 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 12 - 33 is/are rejected.
- 7) ☒ Claim(s) 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

The petition filed 12 January 2007 for reconsideration of withdrawal of Claims 10 and 12 - 19 from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim, has been found persuasive as confirmed in the Decision of Petition mailed 10 January 2008.

Consequently, the restriction and election of species requirement are hereby withdrawn, prompting the non-final rejection as follows based on the prosecution of the previously withdrawn (not acted upon) claims.

### ***Specification***

Receipt of a new abstract presented on a separate sheet, apart from any other text, is hereby acknowledged.

### ***Claim Objections***

**Claim 23** is objected to because of the following informalities: "... at least other member" is preferably written as "... at least one other member..." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 10, 12 - 14, 16, 20 – 23, 25- 27 and 29 – 31** are rejected under 35 U.S.C. 102(b) as being anticipated by Spiro (2,253,820).

**Re: Claim 10**, Spiro discloses a device comprising:

- A base (14, Fig. 1);

- A roller mount (incl. 17 – 20, 26) moveably supported by the base and pivotable about an axis (19);
- a plurality of rollers (21 - 24) supported on the roller mount, the rollers having roller axes that are a fixed distance apart and parallel to the axis; and
- a biasing member (29) that urges the roller mount to pivot about the axis in a direction that urges one of the rollers against a first side of the guide rail and another one of the rollers against an oppositely facing second side of the guide rail.

**Re: Claim 12**, Spiro discloses wherein the biasing member urges the roller mount to rotate in one direction about the axis.

**Re: Claim 13**, Spiro discloses wherein the biasing member comprises a spring that resiliently maintains the roller mount in a selected position.

**Re: Claim 14**, Spiro discloses wherein the biasing member is operative to center the base relative to the guide rail and including at least one other member (39) that is operative to resist movement of the base in a direction perpendicular to a plane of the base.

**Re: Claim 16**, Spiro discloses wherein the other member comprises a roller supported by the base and having an axis of rotation that is perpendicular to axes of the plurality of rollers.

**Re: Claim 20**, Spiro discloses an elevator system comprising:

- At least one guide rail (10, Fig. 1),
- A cab (Col. 1, L. 3) that is adapted to move along the guide rail;
- A guiding device (Fig. 3) associated with the cab and including
  - A base (14);
  - A roller mount (incl. 17 – 20, 26) supported by the base and pivotable about an axis (19);

- a plurality of rollers (21 - 24) supported on the roller mount, the rollers having roller axes that are a fixed distance apart and parallel to the axis; and
- a biasing member (29) that urges the roller mount to pivot about the axis in a direction that urges one of the rollers against a first side (11) of the guide rail and another one of the rollers against an oppositely facing second side (12) of the guide rail.

**Re: Claim 21**, Spiro discloses wherein the biasing member comprises a spring.

**Re: Claim 22**, Spiro discloses wherein the biasing member resists lateral movement of the base relative to the guide rail in a direction that is generally perpendicular to the first side of the guide rail.

**Re: Claim 23**, Spiro discloses at least one other member (34 – 36 and 39 - 40) adapted to resist movement of the base in a direction perpendicular to the direction of lateral movement resisted by the biasing member.

**Re: Claim 25**, Spiro discloses wherein the at least one other member comprises a roller (39).

**Re: Claim 26**, Spiro discloses a shaft (19) supported by the base, and wherein the roller mount is supported by the shaft.

**Re: Claim 27**, Spiro discloses wherein the shaft (19) is parallel to the roller axes.

**Re: Claim 29**, Spiro discloses wherein the biasing member urges the roller mount in a direction that urges the roller axes toward a vertical center of the base.

**Re: Claims 30 - 31**, Spiro discloses:

- at least one brace member (34 – 36 and 39 - 40) associated with the roller mount for selectively contacting the guide rail and limiting a corresponding movement of the roller mount relative to the guide rail;
- wherein the at least one brace member is fixed to the roller mount.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 15, 24 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiro in view of Ravishankar (6,345,698).

**Re: Claims 15, 24 and 32**, Spiro is silent regarding an insert, wherein said insert is of low-friction, as well as at least one support surface that remains fixed relative to the base for selectively contacting the guide rail.

Attention is directed to Ravishankar who teaches his insert (32) as an alternative to the brace member (34 – 36 and 39 - 40) of Spiro to enable the use of roller guides in lieu of sliding guides in particular applications while maintaining a “throat clearance” as stipulated by industry for the promotion of proper braking (Col. 5, Lines 13 – 19).

It would have been obvious to one of ordinary skill in the art to modify the invention of Spiro with the teaching of Ravishankar to replace the brace member with cost-effective, low-friction inserts in particular applications, while maintaining resistance to movement of the based in a direction perpendicular to the direction of lateral movement resisted by the biasing member, thereby assuring proper braking while simplifying the overall system.

**Claims 17 – 19, 28 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiro in view of Brady (1,854,976).

**Re: Claims 19 and 28**, Spiro is silent with respect to an adjuster associated with the biasing member for adjusting a bias of the biasing member on the roller mount.

Attention is directed to Brady who teaches the concept of an adjuster (45, 50) associated with his biasing member (43) to manipulate the loading of his roller mount (37).

It would have been obvious to one of ordinary skill in the art to modify the reference of Spiro with the teaching of Brady to afford adjustability to the biasing member to compensate for guide rail irregularities as well as excessive and insufficient contact between the rollers and the guide rails, for rider comfort and performance.

**Re: Claims 18 and 33**, Spiro is silent with respect to a support surface comprising a recess configured such that a side of the recess contacts the guide rail responsive to the corresponding movement of the base relative to the guide rail.

Attention is directed to Brady who teaches his support surface (30) comprising a guide surface/recess (31) such that a side of the recess contacts the guide rail responsive to the corresponding movement of the base relative to the guide rail, as known in the art.

It would have been obvious to one of ordinary skill in the art to modify the reference of Spiro with the teaching of Brady to mount a support surface with recess at either end (above/below the roller mount) to provide additional sliding guidance as known in the art.

**Re: Claim 17**, Spiro is silent with respect to a brace member (30) extending generally parallel to axes of the plurality of rollers.

Attention is directed to Brady who teaches his roller mount includes a brace member (30) extending generally parallel to axes of the plurality of rollers and that is adapted to engage a surface on the guide rail responsive to lateral movement of the base relative to the guide rail.

It would have been obvious to one of ordinary skill in the art to modify the reference of Spiro with the teaching of Brady to provide a brace member as known in the art.

***Allowable Subject Matter***

**Claim 34** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 12 January 2007 have been fully considered but they are not persuasive.

The rejections of the previous office action were in response to the claim language. Applicant's arguments are based on the amended claim language applied to the prior art of reference; consequently, this office action comprises a detailed response to Applicant's arguments.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gersemsky (5,331,900) is cited for reference of an adjustable biasing member for a roller arrangement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571.272.6856. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.



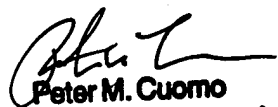
Application/Control Number:  
10/551,243  
Art Unit: 3654

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

14 January 2008

  
**Peter M. Cuomo**  
**Supervisory Patent Examiner**  
**Technology Center 3600**